

REMARKS/ARGUMENTS

Claims 18-19 are cancelled.

Amended Claims 7-8 and 13-14 are supported at the correspondingly numbered previously presented claims. The amendments to Claims 7 (removal of the word “any”), 8 (substituting commas for semicolons) and 13-14 (removing the word “based”) raise no new issues that require further search and/or consideration.

No new matter is added.

The indefiniteness rejection of Claims 13-14 is mooted by removal of the term “based” from these claims. Withdrawal of the rejection is requested.

The obviousness rejection based on Leshchiner is traversed.

In independent present composition Claim 1, the linear polymer is both water insoluble and soluble in at least one water-miscible solvent, and the particles of crosslinked polymer are solid. Leschiner does not describe or suggest at least these Claim 1 features.

The Office asserts the equivalence of Leschiner's polymeric *gel* particles with the *solid* particles of crosslinked polymer in present Claim 1, specifically asserting that “Leschiner's crosslinked particles are “insolubilized by way of crosslinking, the crosslinks being of a covalent or ionic nature.”¹ The Office's argument necessarily fails because Leschiner specifically states his polymer particles are in the form of “polymeric *gels*,”² and does not modify this description regardless of whether his gel particles are crosslinked or not. Accordingly, Leschiner does not describe the *solid* particles of crosslinked polymer as found in present Claim 1 and the claims depending therefrom.

Further, Leschiner does not describe or suggest the linear polymer of Claim 1 which is not water insoluble. Leschiner's “equivalent” to the Claim 1 linear polymer is soluble in a physiologically acceptable aqueous medium that “when coming into contact with a living

¹ See Official Action page 7.

² See Leschiner page 3, lines 35-38.

tissue” “does not cause any undesirable or adverse reaction.”³ Clearly, this includes water. Further, the polymer is explicitly soluble in water containing some inorganic salt.⁴ Accordingly, the linear polymer of present Claim 1 is not described or suggested by Leschiner.

Leschiner does not describe or suggest all of the features of present Claim 1 and the claims depending therefrom; withdrawal of the obviousness rejection is requested.

The obviousness rejection based on Leschiner and van Bladel is traversed. Present Claims 6-10 and 12-14 depend either directly or indirectly from present Claim 1. As described above, Leschiner does not describe or suggest the features of present Claim 1 that the linear polymer is both water insoluble and soluble in at least one water-miscible solvent, and the particles of crosslinked polymer are solid. Van Bladel, relied upon to provide particle sizes,⁵ does not cure these deficiencies. Withdrawal of the obviousness rejection is requested.

The obviousness rejection of Claim 20 based on Chang is traversed. Chang's⁶ vinyl type polyer contains hydrolysable silyl groups. The linear copolymer of independent Claim 20 does not contain hydrolysable silyl groups, so Chang does not describe or suggest every feature of Claim 20, and the Office has provided no reason to modify Chang's polymers and no reasonable expectation of success in doing so. Withdrawal of the obviousness rejection is requested.

The obviousness rejection based on Leschiner and Chang is traversed. Claims 4 and 15-16 depend either directly or indirectly from Claim 1. As described above, Leschiner does not describe or suggest at least that the linear polymer is both water insoluble and soluble in at least one water-miscible solvent, and the particles of crosslinked polymer are solid, both

³ Id. at page 4, lines 48-51.

⁴ Id.

⁵ See Official Action page 10.

⁶ See Chang, Abstract.

Application No. 10/541,362
Reply to Office Action of March 1, 2010

features of present Claim 1. Chang does not remedy the deficiencies of Leschiner.

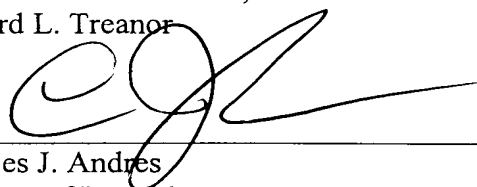
Withdrawal of the obviousness rejection is requested.

The anticipation rejection of Claim 20 as being unpatentable in view of Bajaj is traversed. Bajaj's solvents are water or a mixture of water and acetone whereas water is excluded from Claim 20. Withdrawal of the anticipation rejection is requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Richard L. Treanor

A handwritten signature in black ink, appearing to read 'CJ Andres', is written over a horizontal line.

Charles J. Andres
Attorney of Record
Registration No. 57,537

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)